

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ISAAC EARL EDGIN]
Plaintiff,]
]]
v.] No. 3:11-0605
] Judge Sharp
MONTGOMERY COUNTY SHERIFF'S]
OFFICE, et al.]
Defendants.]

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is a resident of Southside, Tennessee. He brings this action alleging violations of both state and federal law against the Montgomery County Sheriff's Department; Norman Lewis, Sheriff of Montgomery County; and Jeff Morlock and Julie Webb, members of the Montgomery County Sheriff's Department; seeking injunctive relief and damages.

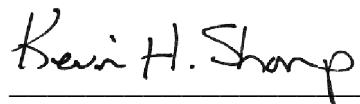
The plaintiff is a convicted sex offender. On October 17, 2008, Officer Webb swore out a warrant charging the plaintiff with sexual battery. A month later, the charge against him was dropped. The plaintiff claims that Officer Webb filed a false report and that he was falsely arrested in violation of his rights.

In April, 2009, the plaintiff was charged with failing to timely report a change in his place of residence. The plaintiff alleges that he left messages on Officer Morlock's answering machine informing him of the change in his address but that he was

arrested nonetheless. The plaintiff acknowledges that he was found guilty of the charge after a bench trial on April 28, 2010. He was sentenced to ninety (90) days in jail and fifteen (15) months on probation. The plaintiff claims that Officer Morlock also filed a false report and had him falsely arrested.

The complaint (Docket Entry No.1) was filed on June 21, 2011. The plaintiff's claims arose in November, 2008 and April, 2009. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997). Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that the plaintiff has failed to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Kevin H. Sharp
United States District Judge